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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 001402

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TAGS: PGOV KDEM I2

SUBJECT: ELECTIONS UPDATE: KRG FUNDS TRANSFERRED, NEW
PARLIAMENTARY ELECTIONS LAW COMMITTEE

REF: A. BAGHDAD 1371

IB. BAGHDAD 1370

Classified By: Deputy Political Counselor Steve Walker for reason 1.4 (d).

Summary

I1. (SBU) At long last, IHEC has received the almost \$40 million in funding for the KRG elections it has been waiting for for several weeks. With the funding now in hand, preparations for the July 25 Iraqi Kurdish Parliament and presidential elections are smoothly on track. Bloc leaders in Parliament have decided to form an ad hoc committee to develop political consensus on an election law, although it is not clear whether the committee will amend the 2005 election law or draft a new law. Bloc leaders have also decided that election day for the national elections will be January 15 or 16 (although this must be agreed upon and formally decreed by the Presidency Council). We also have been told that the current Parliamentary session, scheduled to end on June 30, will likely be extended though July. This is all good news for the elections preparation timeline, although critical steps remain. The most pressing now: IHEC needs Parliament to authorize about \$40 million in funding so that it can begin preparations for the August 1-31 voter registration update. End summary.

KRG Elections: Money Received, On Track

I2. (SBU) UNAMI Chief Elections Officer Sandra Mitchell informed us May 28 that the Independent High Electoral Commission (IHEC) has finally received the \$37.9 million first tranche of KRG elections funding that Prime Minister Maliki approved several weeks ago but whose disbursement got snagged in the Iraqi bureaucracy (ref A). IHEC estimates that the total cost of administering the KRG elections will be \$90 million.

I3. (SBU) USG assistance for the KRG elections is ongoing. The USAID-funded International Foundation for Electoral Systems (IFES), which with UNAMI forms the International Elections Assistance Team (IEAT), is working full time with IHEC. Given the relatively stable security situation in the three provinces that comprise the KRG, IHEC has made no request for large-scale U.S. security assistance. MNF-I is supporting IHEC efforts to train KRG Governorate Elections Office (GEO) security managers and doing emergency contingency planning. MNF-I's election support will be limited to intelligence, surveillance, and reconnaissance (ISR) overwatch of ballot material movements, MEDEVAC (w/supporting Quick Reaction Force), and VIP airlift to support UNAMI officials conducting elections-related activities.

I4. (SBU) Several DRL grantees are working to ensure there

is adequate voter education. The Institute for War and Peace Reporting (IWPR) is conducting special journalism workshops on election reporting and, in cooperation with local partners, is developing radio and TV talk shows with issues-based voter education. The International Republican Institute (IRI) is working with local civil society partners to produce and distribute voter education materials; American University and the International Research and Exchanges Board (IREX) also have public outreach programs with civil society and the media. Both IRI and the National Democratic Institute are working with a broad range of the political entities that have registered on how to compete effectively and build their get-out-the-vote capabilities. A Political Section team visited Erbil May 27-28 inter alia to assess IHEC's voter education activities.

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Elections Law: Political Consensus Building Has Begun

¶15. (C) Tawafuq bloc leader Harith al-Obeidy, who replaced Speaker Samara'ie as Tawafuq bloc leader, told Poloff May 27 that bloc leaders had met earlier that afternoon and decided that election day will be January 15, this based on the Higher Judicial Council ruling that elections must take place by January 30, the Arba'een religious holiday in January, and the need for a Friday (Iraq's day off), since schools are used for polling stations. (Note: Iraqiyya MP Radwan Kilidar, citing the same reasons, told Poloff on May 28 that election day would be Saturday, January 16. End Note.) Al-Obeidy said the committee had also agreed to establish an ad hoc committee to address the election law, and that each

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bloc (approximately 10) had been asked to appoint a representative. The committee will begin work May 30 or 31.

¶16. (C) Al-Obeidy said the ad hoc committee will focus on amending the 2005 law because bloc leaders agree that drafting a new law could introduce too many new issues and problems. Poloff queried about which sections of the law they were seeking to amend; al-Obeidy demurred that this was a subject the committee would review and decide upon. He noted that it may also consider the draft political party law as it debates options for the election law. Poloff reminded al-Obeidy of the importance of on-time elections and the need for parliament to focus on an election law now. Finally, al-Obeidy said that, probably beginning next week, parliament will move to an increased work schedule (more days per week) and that he thought it likely that the legislative session would be extended through July. Interestingly, when Poloff asked if the July 25 KRG elections would interfere with such an extended session, given that Kurdish MPs would likely return to the north, al-Obeidy appeared to be unaware of the elections.

¶17. (C) Salim Jibouri, Tawafuq's spokesman and the Deputy Chair of the Legal Committee, which has oversight of IHEC, confirmed the formation of the ad hoc elections law committee to the Director of the Political Section's Office of Constitutional and Legislative Affairs Office (CLA) on May

¶128. (Note: CLA provides technical legal assistance to Parliament and other Iraqi legislative stream entities. End note.) Jibouri said that the committee would include bloc representatives as well as some minority representatives, and clearly stated that they would be drafting a new law, not amending the 2005 law. He said that a framework was already in place for a new law, and didn't think passage would take much time. He cited electoral organization (will Iraq be a single national electoral district or will each governorate be an electoral district -- see para nine) and women's and minorities representation as issues that need to be worked out. He indicated that bloc leaders have not yet made a definitive decision on the open list/closed list issue. CLA Director, stressing the importance of maintaining the January

2010 elections timeline, told Jibburi that there was no need for the committee to reinvent the wheel: either the 2005 law or the 2008 provincial elections law provides a useful point of departure for a new law. Jibburi enthusiastically welcomed her offer of technical assistance, including a CLA-drafted paper on the 05 law, amended 05 law, and new law options.

Parliamentary Elections Operational Update

¶8. (SBU) IHEC Chairman Faraj Haydari delivered a letter to Parliament's presidency council on May 27 notifying the Speaker that IHEC must receive approximately \$40 million by June 1 in order to begin procurements and other preparation for the national voter registration update, scheduled to run the month of August. We will coordinate closely with the IEAT on this.

¶9. (C) Like Jibbouri, Sandra Mitchell has also mentioned to us that there is talk in Parliament about making Iraq for the parliamentary elections a nation-wide single electoral district. This would require an amendment to the 2005 election law. The 2005 stipulates that each of the country's 18 governorates are discrete electoral districts, with 230 of the 275 parliamentary seats proportionally allotted among them based on the number of registered voters in each of them based on the number of registered voters in each governorate. Under the 2005 law, the remaining 45 seats were designated as compensatory seats on a single national constituency basis. Parliament's intent for this mechanism was to ensure adequate proportional and smaller political party -- and by extension, minority -- representation. It didn't work; the larger parties got most of the compensatory seats. Out-of-country votes in 2005 were counted towards the 45 compensatory seats.

¶10. (C) A single electoral district system could be attractive to the Kurds, who likely would win more seats if their aggregate population numbers counted nation-wide and not just by governorate. Minorities reportedly also believe they would do better under a single national constituency. The downside of this system is that it reduces accountability, especially if used with a closed list system.

No "Interrogation" of IHEC Chair

¶11. (C) Ref B reported that Parliament was planning to

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summon IHEC Chairman Faraj Haydari for questioning regarding the administration of the January provincial elections. Haydari told us he would appear for this "interrogation," but was very concerned that the questioning would become a raucous political show, with parties that fared poorly in the provincial elections using the opportunity to beat up on IHEC. He was particularly worried that public second-guessing of the decisions of the independent Electoral Judicial Panel that heard appeals to IHEC's electoral complaint decisions could undermine IHEC's public credibility, which could harm the public's perceptions of the legitimacy of future elections. Mitchell told Deputy Political Counselor May 28 that Parliament will not summon Haydari for a plenary session questioning. Instead, IHEC's Chief Electoral Officer Commissioner Judge Qasim al-Abodi and several technical advisors will meet with the Legal Committee on May 31 to discuss all aspects of the provincial elections. It will then be up to the Legal Committee to advise the Speaker if plenary session questioning is required. Mitchell said it is IHEC's sense that the Legal Committee's discussion session should satisfy Parliament. The IEAT is assisting Commissioner al-Abodi with his presentation.

Comment

¶12. (C) The receipt of the first tranche of funding for the KRG elections is good news. The delay between the authorization and disbursement of government funds is a chronic GOI bureaucratic problem. We predict that this will not be the last time funding comes down to the wire. We will work closely with UNAMI to facilitate timely disbursement of the \$40 million needed soon for the voter registration update. The formation of an ad hoc committee to focus on the election law is also good news: it means that the political consensus building process has begun. It is interesting that we got conflicting readouts (both from members of the Tawafuq bloc) on whether the committee will seek to amend the 2005 law or pass a new law. We note that the PM's office has expressed a desire for a new law, and interpret this to mean that this issue remains undecided.

¶13. (C) Parliament's apparent decision to begin its questioning of IHEC in the Legal Committee is also good news. We have been heartened by Speaker Samara'i's energetic focus on Parliamentary executive oversight, and have been watching with interest the ongoing questioning of ministers and other GOI officials. Referring the questioning to the Legal Committee provides for parliamentary oversight while avoiding, at least for now, a potentially humiliating plenary questioning of IHEC. It also asserts the role of the Legal Committee, which is charged with overseeing IHEC, and thus reinforces proper procedure. Another silver lining in all of this is that, as Mitchell noted to Deputy Political Counselor, Haydari's engagement with bloc leaders was instrumental in getting parliament to refer the IHEC questioning to the Legal Committee. This is exactly the kind of improved IHEC outreach to MPs and parliamentarians that we have urged, and will continue to urge.

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